IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

OP.No. 27935 of 1999(A)

PETITIONER:

S.KABEER, S/O.SAYED MUHAMMED,
NECHOTTIL HOUSE, PAZHAYANNUR P.O.,
THRISSUR.

BY ADV. SMT.I.SHEELA DEVI
SMT.REJI RAMACHANDRAN

RESPONDENTS:

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1. **STATE OF KERALA, REP: BY THE**
CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. **ASSISTANT EXECUTIVE ENGINEER,**
P.W.D. (ROADS), WADAKKANCHERRY,
THRISSUR DISTRICT.

3. **ASSISTANT ENGINEER,**
P.W.D. (ROADS), CHELAKKARA,
THRISSUR DISTRICT.

BY GOVERNMENT PLEADER SRI.P.N.SANTHOSH.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 05/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP.NO.47383 OF 1999 IN OP.NO.27935 OF 1999-A.

DISMISSED.

5.10.2007. **Sd/- T.R.Ramachandran Nair, Judge.**

Petitioner's Exhibits:-

P1: **Copy of the representation dtd.5.11.1999 submitted by the people of the Pazhayannur Town including the petitioner before the 3rd respondent.**

P2: **Copy of the representation dtd.5.11.1999 submitted by the people of the Pazhayannur Town including the petitioner before the 2nd respondent.**

Respondents' Exhibits:- **Nil.**

(true copy)

P.A. TO JUDGE.

Kvs/-

T.R.RAMACHANDRAN NAIR, J.

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O.P.No. 27935 of 1999-A.

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Dated this the 5th day of October, 2007.

J U D G M E N T

Aggrieved by the steps taken by the respondents to cut and remove a banyan tree in Pazhayannur before the famous Pazhayannur Temple, this writ petition was filed. As per the interim order dated 9.11.1999 this Court restrained the actual cutting of the tree until further orders. Later, the interim order was modified permitting cutting of the branches which are dangerous to the public by order dated 15.10.2004.

2. The learned counsel for the petitioner submitted that it is not necessary to cut and remove the tree as it is not in a dangerous condition and as per the modified interim order the branches have been cut and removed. It is also submitted that the tree has got religious importance also.

3. It is upto the competent authority to take a decision in the matter. Therefore, the 2nd respondent is directed to take a decision in the matter in accordance with law after hearing the petitioner or any other interested parties. The 2nd respondent will also ascertain whether the tree stands in the property of the Temple and whether the same is being

worshiped by the devotees. The 2nd respondent will hear the authorities of the Temple before taking a final decision in the matter.

The writ petition is disposed of as above.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-